

1 WILLIAM L. ANTHONY, JR. (STATE BAR NO. 106908)
2 KAI TSENG (STATE BAR NO. 193756)
3 VICKIE L. FEEMAN (STATE BAR NO. 177487)
4 CRAIG R. KAUFMAN (STATE BAR NO. 159458)
5 JASON S. ANGELL (STATE BAR NO. 221607)
6 ORRICK, HERRINGTON & SUTCLIFFE LLP
7 1000 Marsh Road
8 Menlo Park, CA 94025
9 Telephone: 650-614-7400
10 Facsimile: 650-614-7401

11 DAVIN M. STOCKWELL (STATE BAR NO. 212957)
12 MARK J. SHEAN (STATE BAR NO. 217671)
13 ORRICK, HERRINGTON & SUTCLIFFE LLP
14 4 Park Plaza, Suite 1600
15 Irvine, CA 92514-2558
16 Telephone: 949-567-6700
17 Facsimile: 949-567-6710

18 Attorneys for Defendants and Counterclaim Plaintiffs
19 NANYA TECHNOLOGY CORPORATION and
20 NANYA TECHNOLOGY CORPORATION U.S.A.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23 SAN JOSE DIVISION

E-FILED - 12/6/05

24 RAMBUS INC.,

25 Plaintiff and
26 Counterdefendant,

27 v.

28 HYNIX SEMICONDUCTOR INC., HYNIX
SEMICONDUCTOR AMERICA, INC.,
HYNIX SEMICONDUCTOR
MANUFACTURING AMERICA INC.,

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR,
INC., SAMSUNG AUSTIN
SEMICONDUCTOR, L.P.,

NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION
U.S.A.,

Defendants and
Counterclaimants.

Case No. CV-05-00334 RMW

**ORDER REGARDING
PRODUCTION OF DOCUMENTS
SUBJECT TO PRIVILEGE
PIERCING ORDERS IN RELATED
CASE**

1 At the hearing before the Court on November 18, 2005, Nanya Technology
2 Corporation and Nanya Technology Corporation U.S.A. (collectively, "Nanya") advised that
3 they intend to seek in discovery in this matter certain documents that Rambus Inc. ("Rambus")
4 contends are privileged but were subject to several orders of the Court in *Hynix Semiconductor*
5 *Inc. et al. v. Rambus Inc.*, Case No. CV-00-20905 RMW ("*Hynix*") overruling Rambus's
6 privilege claims – specifically documents subject to Orders in *Hynix* dated February 26, 2004,
7 January 31, 2005, and August 26, 2005 (as clarified by the Order issued on October 4, 2005)
8 (collectively, "the Privileged Documents"). Rambus continues to assert that the Privileged
9 Documents are privileged and protected from discovery, including in this litigation.

10 Notwithstanding Rambus's continued objection to the production of the Privileged
11 Documents, for the reasons set forth in the prior Orders in *Hynix* identified above,

12 IT IS HEREBY ORDERED that Rambus's attorney-client privilege and work
13 product objections to the production of the Privileged Documents are overruled. The Privileged
14 Documents shall not be withheld from Nanya by Rambus on grounds of privilege during the
15 normal course of discovery ordered by the Court and shall be produced to Nanya within 10 days
16 of entry of this Order without the need for further requests by Nanya for such production.
17 Rambus's obligation under this Order to produce such Privileged Documents is not contingent
18 upon the entry of a Protective Order in this action. Rambus may, however, produce such
19 Privileged documents to Nanya on an outside counsel only basis, subject to the protections
20 available under Patent Local Rule 2-2, until a Protective Order is entered in this action. Nanya
21 will be thereafter required to accord the Privileged Documents the highest protection available
22 under the Protective Order to be entered in this action.

23
24 **IT IS SO ORDERED.**

25
26 Dated: 12/1/05

/S/ RONALD M. WHYTE

The Honorable Ronald M. Whyte
United States District Court Judge